

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 6, 2000

DIVISION ONE

B127427 Kusterns (Not for Publication)
v.
Rodriguez et al.

The order of dismissal, all related orders, and all orders thereafter made are reversed, and the cause is remanded to the trial court with directions to reinstate the complaint, vacate the entry of Kusterns's default on the cross-complaint, reinstate the answer to the cross-complaint, and to set the matter on track for trial. Further proceedings shall be heard before a trial judge other than the judge whose orders are before us on this appeal. (§ 170.1, subd. (c).) The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION TWO

B130285 Gonzales et al.
v.
Southern California Edison Company et al.

Filed order certifying opinion for publication.

January 6, 2000-Continued

DIVISION TWO (Continued)

B132683 People (Not for Publication)
v.
Padilla

The Court:

The judgment is affirmed.

Nott, Acting P.J., Cooper, J., Mallano, J. (Assigned)

B129519 Writers Guild of (Certified for Publication)
America, West, Inc., et al.
v.
City of Los Angeles et al.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B125525 People (Not for Publication)
v.
Fowler

The Court:

The judgment is modified to impose a restitution fine of \$200 pursuant to section 1202.4, subdivision (b), and a parole revocation fine of \$200 pursuant to section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

[illegible]

The judgment is modified to include two fines of \$200 each pursuant to Penal Code section 290.3, subdivision (a), together with penalty assessments of \$400 pursuant to Penal Code section 1464 and \$280 pursuant to Government Code section 76000. As so modified, the judgment is affirmed. The superior court shall prepare and transmit to the Department of Corrections an amended abstract of judgment, reflecting the foregoing modification, and also reflecting 431 days of presentence custody credit against appellant's term of imprisonment.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

B127888 Esparza (Not for Publication)
v.
Hageman

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Cooper, J.

B126364 Jaffe (Not for Publication)
v.
Intergroup Corporation et al.

The judgment is affirmed.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B125009 Kiewit Pacific Co. (Not for Publication)
 v.
 Metropolitan Water District of Southern California

The judgment is reversed. Each party to bear their own costs.

Mallano, J. (Assigned)

I concur: Zebrowski, J.
I dissent: Nott, Acting P.J. (Opinion)

B121922 Jelin
 v.
 Greenfield et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B113488 People (Not for Publication)
 v.
 Contreras

The judgment is affirmed.

Schneider, Acting P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B131356 The People (Not for Publication)
v.
Marshall Redman et al.
Roland Land Company

The order denying RLC's motion for relief from the stay is reversed and the matter is remanded to the trial court with directions to issue an order giving the receiver 90 days in which to pay off the balance due on RLC's note and to obtain from RLC a recordable request for reconveyance of its trust deed. After that period has expired without such payment and receipt of reconveyance request, the trial court shall grant RLC's motion to be relieved from the "equity stay" imposed by the order of July 30, 19996, so that it may proceed with foreclosure. RLC shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B129211 Cynthia R. Miller (Not for Publication)
v.
Thomas Miller

The portion of the court's order which imposed sanctions against Shanley is reversed; the order is affirmed in all other respects. Costs on appeal to Cynthia and Shanley.

Croskey, Acting P. J.

We concur: Kitching, J.
Schneider, J. (Assigned)

January 6, 2000-Continued

DIVISION THREE (Continued)

[illegible]

The order to show cause is discharged and the petition for writ of habeas corpus is denied. The judgment is affirmed in all respects, except that we remand the matter to the trial court to reconsider and redetermine the propriety of the restitution fine payable to Edward Rettig.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B118891 People
B134606 v.
Trevino

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B130686 People (Not for Publication)
v.
Colon

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Dau, J. (Assigned)

DIVISION FOUR (Continued)

B126372 Encino Oaks (Not for Publication)
Homeowners Association
v.
Associated International Insurance Company

The judgment is reversed and the case remanded for determination by the trial court on the issue of respondent's reasonable belief concerning appellant's understanding of the policy at the time it was made. If, after due consideration of this issue, the court interprets the Deductible Endorsement in the manner advocated by respondent, judgment can be entered in favor of respondent without further proceedings. If the court decides the issue in the manner advocated by appellant, the court should next proceed to decide whether the question of bad faith can be resolved as a matter of law. If not, the case should proceed to trial on the single issue of whether respondent exercised bad faith or violated the implied covenant in its interpretation of the Deductible Clause. Appellant is to recover its costs on appeal.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B125893 County of Los Angeles (Not for Publication)
v.
American Surety Company

The judgment is reversed and the case is remanded for a further factual hearing under Penal Code section 980, subdivision (b) as amended. The parties are to bear their own costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B126846 People (Not for Publication)
v.
Jimmy Martinez and Amber Eberhart

For the reasons set forth in the opinion, we order that Eberhart's abstract of judgment be modified as followed: to state that a one-year enhancement was imposed under section 12022, subdivision (a) (1); to delete the statement that her sentence was imposed pursuant to section 667, subdivisions (b) - (i); to impose a consecutive five-year enhancement pursuant to section 667, subdivision (a); and to impose a \$200 parole revocation fine pursuant to section 1202.45, which will be suspended until such time as she might be placed on parole and later have that parole revoked. Martinez's abstract of judgment is modified to reflect a \$200 parole revocation fine pursuant to section 1202.45, which will be suspended until such time as he might be placed on parole and later have that parole revoked. In all other respects, the judgment as modified is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B124385 People (Not for Publication)
v.
Kevin Duffie

The judgment is modified by striking the enhancements under Penal Code section 667.5, subdivision (b). As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

January 6, 2000-Continued

DIVISION FIVE (Continued)

B130270 People (Not for Publication)
v.
Eric Alexander

The judgment is modified to reflect the striking of the prior prison term allegation under Penal Code section 1385 and the reason therefore. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B128942 Lucille Banks (Not for Publication)
v.
Cedars Sinai Medical Center

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B130825 People (Not for Publication)
v.
Jamel Evans

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

January 6, 2000-Continued

DIVISION FIVE (Continued)

B131515 People (Not for Publication)
v.
Kevin Guyton

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

B131031 Harvey Bookstein (Not for Publication)
v.
Gross Enterprises, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B132776 Charles Chiarenza (Not for Publication)
v.
Carole Stiegler

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B119128 Carl M. Kinsey
v.
Lou Dantzler et al.

Filed order denying petition for rehearing.

DIVISION SIX

B123407 Franco et al. (Not for Publication)
 v.
 Farmes Insurance Group et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B134016 People (Not for Publication)
 v.
 Strickland

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B126262 Rigoli (Not for Publication)
 v.
 Blackburn

The judgment is affirmed. Rigoli is awarded his costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
 Abbe, J. (Assigned)

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J., Chavez, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B118700 People v. McKenzie
B122220 People v. Morales
B123980 People v. Jacobo
B124387 People v. Rodriguez
B125562 People v. Blas, Centeno, Ignacio & Ortiz
B125754 People v. Blanco
B126723 People v. Burton
B127904 People v. Vazquez
B128257 People v. Williams
B128911 People v. Aguirre
B129032 People v. Bardalez
B129229 People v. Hasson
B129640 People v. Ford
B130041 People v. Rosenberg & Martinez
B130393 People v. Ballard
B130487 People v. Decelles
B131002 People v. Sevilla
B131749 People v. Tirado
B131949 People v. Daniel R.
B132082 People v. Curry
B132361 People v. Edmonson
B133694 People v. Daniel G.
B133710 People v. Albert F.
B132731 D.C.F.S. v. Joanne L.
B133139 D.C.F.S. v. Darryl G.
B136153 Inez F. v. S.C.L.A.
B129384 D.C.F.S. v. Stella M.
B132847 D.C.F.S. v. Richard L.

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B133708 People
 v.
 Ricardo E.

Merits:

Argued by Shirley Sun, deputy district attorney, for appellant and by John Hamilton Scott, deputy public defender, for respondent. Cause submitted.

B131517 People
 v.
 Lee

Merits:

Argued by David C. Tardiff for appellant and by David A. Voet, deputy attorney general, for respondent. Cause submitted.

B113890 People
 v.
 Masog

Merits:

Argued by Carlo Andreani for appellant and by Kerry K. Winters, deputy attorney general, for respondent. Cause submitted.

B118678 People
 v.
 Lopez

Merits:

Argued by Chris R. Redburn for appellant and by Reyna M. Tanner, deputy attorney general, for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B110703 Sharp
 v.
 Kelly & Cogan

Merits:

Argued by David L. Sharp, appellant in propria persona, and by Roy G. Weatherup for respondent. Submission deferred for ten days.

B117815 Trenton
 v.
 Infinity Broadcasting Corporation

Merits:

Argued by Daniel G. Murphy for respondent and no appearance by David Loomis for appellant. Cause submitted.

B135399 County of Los Angeles et al.
 v.
 Superior Court, Los Angeles County
 Valentin et al., r.p.i.

Merits:

Argued by Scott MacLatchie for petitioners and appearance only by Steven J. Renick and by Morton Minikes for real parties in interest. Cause submitted.

B135420 Valentin et al.
 v.
 Superior Court, Los Angeles County
 County of Los Angeles et al., r.p.i.

Merits:

Argued by Morton Minikes for petitioners and by Scott MacLatchie for real parties in interest. Steven J. Renick appearing for real party Douglas Sparkes waived argument. Cause submitted.

DIVISION SEVEN (Continued)

B134859 Gunter
 v.
 Superior Court, Los Angeles County
 The People, r.p.i.

Oral argument continued to February 3, 2000, at 10:00 A.M.

B128188 People
 v.
 Figueroa

Matter ordered off calendar.

Court recessed at 12:43 P.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Neal, J. and Emma Jean Amos, Deputy Clerk.

B128949 Pickard
 v.
 Sondhi

Merits:
Argued by Kenneth C. Jones for appellant and by Joan M. Dolinsky for respondent. Cause submitted.

B130132 McPherson et al.
 v.
 City of Manhattan Beach et al.

Merits:
Argued by Robert O. Owen for appellants and by Fredric D. Woocher for respondents. Cause submitted.

January 6, 2000-Continued

DIVISION SEVEN (Continued)

B120174 Grant
 v.
 Cahalane
 Harold & Janet Frank

Merits:

Argued by Thomas G. Cahalane, appellant in propria persona, Harold Frank respondent in propria persona and by Mark A. O'Brien for respondent Cahalane. Cause submitted.

Court adjourned at 2:37 P.M.